

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MICHAEL NEWMAN individually *and on*)
behalf of all other employees similarly situated)

Plaintiff,)

-v-

DENO PARKER and WEST BAR & LOUNGE,)
INC. (AKA WEST BAR & LOUNGE) jointly)
and severally.)

AFFIRMATION IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT

Lina Stillman, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and I am a Partner at Stillman Legal PC and attorneys for Plaintiff MICHAEL NEWMAN ("Plaintiff") in the above entitled action. As such, I am familiar with all the facts and circumstances in this action.

2. This action was commenced pursuant the Fair Labor Standards Act (FLSA).

This action was commenced on March 2, 2020 by the filing of the summons and complaint. A copy of the summons and complaint was served on West Bar and Lounge, Inc. on March 6, 2020 by delivering a true copy thereof and leaving service with the office of the Secretary of the State of New York. *See* Dkt. No. 7. A copy of the summons and complaint was also served on Individual Defendant Deno Parker on May 6th, 2020.

3. Defendants West Bar and Lounge, Inc. and Deno Parker have not answered or otherwise moved with respect to the complaint. The time for these Defendants to answer has expired and they have not requested an extension.

4. Upon information and belief, and as it appears from facts in this litigation, Defendant Parker is neither infant, mentally incompetent, nor presently in the military service of the United States.

5. This is an action alleging violations of the FLSA's and NYLL's minimum wage and overtime compensation requirements by Defendants, jointly and severally. Plaintiffs also allege failure to provide wage notices and wage statements under the NYLL.

6. In particular, Plaintiffs allege that they were formerly employed by Defendants as as cook and waiter and did not get paid appropriately. Throughout the majority of his employment period with Defendants, Plaintiff was paid at amounts below the statutory minimum wage. In addition, Plaintiff consistently worked overtime hours for which they were not compensated at an overtime rate. Plaintiff was paid in cash, at all times, and were never provided with wage notices and wage statements, as required by the NYLL. As a result, Plaintiff is seeking back wages, liquidated damages, statutory penalties, and interest with respect to the violations asserted in the FLSA and NYLL, as well as, back wages. Plaintiff further requests recovery of their attorney's fees and costs for prosecuting this action.

7. The justification and breakdown of the amounts of damages due to the Plaintiffs will be detailed in the Plaintiffs' motion for default judgment.

8. Jurisdiction of the subject matter of this action is based on federal question jurisdiction.

WHEREFORE, Plaintiff FETEER FACTORY INC. (*dba.* LUXOR EGYPT FETEER FACTORY) and OGA BOUTROS jointly *and severally* be noted and a certificate of default be issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: New York, NY
June 14, 2020

Respectfully submitted,
Stillman Legal PC

By: /s/Lina Stillman

